

RECEIVED
CENTRAL FAX CENTER

Appl. No. 10/530,634

Attorney Docket No. 10808-231

JUL 18 2007

II. Remarks

Reconsideration and re-examination of ~~this~~^{the} application in view of the above amendments and the following remarks is herein respectfully requested.

After entering this amendment, claims 5-9 and 22-24 remain pending.

Claims 1-4 and 10-21 have been cancelled.

Claim Rejections - 35 U.S.C. § 102

Claims 1, 2 and 9 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6399973 B1, to Roberds ("Roberds").

As noted above, claims 1 and 2 have been cancelled.

Claim 9 recites "wherein the depression sidewall insulation layer extends into a region below the gate dielectric." An example of this is shown in Figure 5b of the instant application. While the Roberds reference relied on by the examiner may show a depression sidewall insulation layer, (21a, 21b), the sidewall insulation layer does not extend into the region below the gate insulation layer. Rather, the depression sidewall insulation layers (21a, 21b) extend adjacent to but not into the region below the gate insulation layer. As such, Roberds does not teach or suggest each and every element of the present invention according to claim 9 and, therefore, cannot anticipate claim 9 as the examiner contends. Claim 9 is presented as originally filed, accordingly, applicants submit additional searching should not be required.

Further, claims 1, 5 and 6 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Publication No. 2001/0025998, to Tsuchiaki ("Tsuchiaki").

As noted above, claims 1 and 2 have been cancelled.

- 5 -

BRINKS
HOFER
GILSON
LIONE

BRINKS HOFER GILSON & LIONE
PO Box 10395
Chicago, IL 60611-5599

Appl. No. 10/530,634

Attorney Docket No. 10808-231

Claims 5 and 6 depend from claim 9 and are, therefore, patentable for at least the same reasons as given above in support of claim 9.

Accordingly, Applicants respectfully request withdrawal of the rejections under 35 U.S.C. § 102(b).

Claim Rejections - 35 U.S.C. §103

Claims 7 and 8 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Tsuchiaki.

Claims 7 and 8 depend from claim 9 and are, therefore, patentable for at least the same reasons as given above in support of claim 9.

Claim 22 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Roberds in view of U.S. Publication No. 2003/0080361 A1 to Murthy et al. ("Murthy '361").

Claim 22 depends from claim 9 and is, therefore, patentable for at least the same reasons as given above in support of claim 9.

Claims 23-24 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Roberds in view of U.S. Publication No. 2002/0190284 to Murthy et al. ("Murthy '284").

Claims 23-24 depend from claim 9 and are, therefore, patentable for at least the same reasons as given above in support of claim 9.

- 6 -



BRINKS HOFER GILSON & LIONE
PO Box 10395
Chicago, IL 60611-5599

JUL 18 2007

Appl. No. 10/530,634

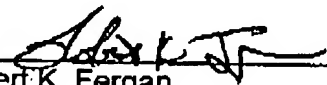
Attorney Docket No. 10808-231

Conclusion

In view of the above amendments and remarks, it is respectfully submitted that the present form of the claims are patentably distinguishable over the art of record and that this application is now in condition for allowance. Such action is requested.

Respectfully submitted by,

Dated: 7/18/07


Robert K. Fergan
Reg. No.: 51,674
Attorney for Applicants

BRINKS HOFER GILSON & LIONE
P.O. Box 10395
Chicago, IL 60610
(734) 302-6000

- 7 -

BRINKS
HOFER
GILSON
& LIONE

BRINKS HOFER GILSON & LIONE
PO Box 10395
Chicago, IL 60611-5599